

Message Text

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PAGE 01 STATE 077409
ORIGIN EB-08

INFO OCT-01 EA-12 ISO-00 COME-00 STR-07 TRSE-00
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DRAFTED BY EB/OT/TA:JRCUNNINGHAM:JVM
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COMMERCE:ELESLIE

-----128200 250846Z /14

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FM SECSTATE WASHDC
TO AMEMBASSY CANBERRA

UNCLAS STATE 077409

E.O. 11652: N/A

TAGS:ETRD, AS

SUBJECT:TARIFF ON SPRINKLERS: NELSON IRRIGATION CORP.

REF: CANBERRA 2094

1. NELSON IRRIGATION STATES THEY HAVE BEEN SHIPPING
TO AUSTRALIA BOTH DIRECTLY AND THROUGH AGENTS SINCE
1970. CORRESPONDENCE FROM ONE IMPORTER INDICATED THAT
THEIR PRODUCTS HAVE ENTERED AUSTRALIA UNDER CUSTOMS
BY-LAW 84.21 QUOTE SPRINKLER HEADS, PART CIRCLE, CAPABLE
OF COVERING AN AREA OF 30.5 METERS RADIUS
(OP 15.5.73-BL 725 6345) END QUOTE. ADDITIONAL
INFORMATION SHOULD BE OBTAINED FROM LINDSEY GOODWIN OF
TRAILCO IRRIGATION PTY LTD., BRISBANE, TELEPHONE 268-4188,
PETER WEST OF SIMPSON-POPE LTD., KILKENNY, SOUTH
AUSTRALIA, TELEPHONE 45-0271 OR DESMOND LOESKOW OF
AVOKAH IRRIGATION PTY LTD. BUNDABERG, QUEENSLAND TELEPHONE
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71-2691. BOB RUPAR OF NELSON IRRIGATION AGREES THAT
SOUTHERN CROSS SHOULD NOT BE APPROACHED FOR INFORMATION
ON THE POSITION OF NELSON IN THE AUSTRALIAN MARKET.

2. RUPAR IS NOW CONCERNED THAT THE INQUIRIES MADE ON
HIS BEHALF MAY CALL ATTENTION TO IMPORTS FROM NELSON
AND BRING ABOUT THE CHANGE IN THE BY-LAW. HE FURTHER

SUGGESTS THERE MAY BE SOME CONFUSION OVER WHICH EXEMPTION IS BEING DISCUSSED. SOME TIME AGO THE BY-LAW BRANCH REVOKED THE WAIVER FOR CENTER-PIVOT SYSTEMS AND THIS MAY BE THE CHANGE REFERRED TO IN DISCUSSIONS WITH THE EMBASSY. TO DATE HE HAS NOT HEARD OF ANY CHANGE IN THE BY-LAW WAIVER GRANTED FOR SPRINKLER HEADS. AVOKAH MAY HAVE ADDITIONAL INFORMATION ON THE SITUATION AS THEIR MOST RECENT SHIPMENT HAS EITHER JUST ARRIVED OR IS ABOUT TO.

3. REGARDING PRODUCT SIMILARITY, RUPAR STATES THAT NELSON OBTAINED GOOD PATENT PROTECTION IN THE U.S. BUT BECAUSE THEY DID NOT INITIALLY REALIZE THE EXPORT POTENTIAL OF THEIR PRODUCT THEY DID NOT SEEK AUSTRALIAN PATENT UNTIL TOO LATE. THEY DO NOT PLAN LEGAL ACTION. THE EMBASSY MAY WISH TO DISCUSS THIS SITUATION WITH JENNIFER WILSON OF BAKER AND MCKENZIE, SIDNEY, NELSON'S AUSTRALIAN ATTORNEY. VANCE

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